

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

NICHOLAS EUGENE BOUSQUET

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CASE NUMBER 4:14-CR-00148

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on May 21, 2018, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Maureen Smith.

Nicholas Eugene Bousquet was sentenced on August 18, 2015, before The Honorable Amos L. Mazzant, III, of the Eastern District of Texas after pleading guilty to the offense of Possession of a Firearm by a Felon, a Class C felony. This offense carried a statutory maximum imprisonment term of 10 years. The guideline imprisonment range, based on a total offense level of 12 and a criminal history category of VI, was 30 to 37 months. Nicholas Eugene Bousquet was subsequently granted a downward departure and sentenced to 15 months imprisonment followed by a three year term of supervised release, subject to the standard conditions of release, plus special conditions to include financial disclosure, drug aftercare, mental health aftercare, and a \$100

special assessment. On November 15, 2015, Nicholas Eugene Bousquet completed his period of imprisonment and began service of the supervision term, living with his family in the District of Arizona.

On July 29, 2016, the probation officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 43, Sealed]. Thereafter, on April 11, 2018, the probation officer executed a First Amended Petition for Warrant or Summons for Offender Under Supervision [Dkt. 49, Sealed] (hereafter, "Petition"). The Petition asserted that Defendant violated three (3) conditions of supervision, as follows: (1) Defendant shall report to the probation officer and submit a truthful and complete written report within the first five days of each month; (2) Defendant shall notify the probation officer ten days prior to any change of residence or employment; and (3) Defendant shall not commit another federal, state, or local crime.

The Petition alleges that Defendant committed the following acts: (1) The Defendant failed to submit monthly supervision reports for the months of April, May, and June 2016; (2) During June 2016, the defendant left his residence where he has resided with his mother and failed to notify the U.S. Probation Office, or his mother, of his change in residence, and his whereabouts were unknown ; and (3) On September 8, 2017, in Mohave County Superior Court – Arizona, the Defendant was convicted of Unlawful Use of Means of Transportation, a Class 5 felony, and was sentenced to 1.5 years in the Arizona Department of Corrections. Also on September 8, 2017, the Defendant was convicted of Theft, a Class 6 felony, and was sentenced to 1 year in the Arizona Department of Corrections.

Prior to the government putting on its case, Defendant entered a plea of true to all three (3) allegations of the Petition. Having considered the Petition and the plea of true to all three (3) allegations, the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends the Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of 21 months, to be served consecutively to any sentence of imprisonment being served and/or imposed by the Arizona courts, with no term of supervised release to follow.

The Court also recommends that Defendant be housed in a Bureau of Prisons facility in Arizona, if appropriate.

SIGNED this 22nd day of May, 2018.

A handwritten signature in black ink, appearing to read 'C.A. Nowak', is written over a horizontal line.

Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE